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Superior Court of California,
County of San Diego

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Clerk of the Superior Court
By Patricia Xavier, Deputy Clerk

5 **LAW OFFICES OF DANIEL A. KAPLAN**

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9 Attorneys for Defendants

10 **SUPERIOR COURT OF CALIFORNIA**

11 **COUNTY OF SAN DIEGO – CENTRAL DIVISION**

12 JANE DOE NOS. 1-14, inclusive,
13 individuals;

14 Plaintiffs,

15 v.

16 GIRLSDOPORN.COM, a business
17 organization, form unknown; MICHAEL J.
18 PRATT, an individual; ANDRE GARCIA,
19 an individual; MATTHEW WOLFE, an
20 individual; BLL MEDIA, INC., a California
21 corporation; BLL MEDIA HOLDINGS,
22 LLC, a Nevada limited liability company;
23 DOMI PUBLICATIONS, LLC, a Nevada
24 limited liability company; EG
25 PUBLICATIONS, INC., a California
26 corporation; MIM MEDIA, LLC, a
27 California limited liability company;
28 BUBBLEGUM FILMS, INC., a business
organization, form unknown; OH WELL
MEDIA LIMITED, a business organization,
form unknown; MERRO MEDIA, INC., a
California corporation; MERRO MEDIA
HOLDINGS, LLC, a Nevada limited liability
company; and ROES 1 - 500, inclusive,

Defendants.

Case No. 37-2016-00019027-CU-FR-CTL

**DECLARATION OF AARON D.
SADOCK IN SUPPORT OF
DEFENDANTS' EX PARTE
APPLICATION TO EXTEND STAY AS
TO ANDRE GARCIA**

Date: August 10, 2017

Time: 8:15 A.M.

Judge: Hon. Gregory W. Pollack

Dept: C-71

[IMAGED FILE]

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1 I, Aaron D. Sadock, declare as follows:

2 1. I am an attorney at law duly licensed to practice before all courts of the State of
3 California. I am an attorney at Panakos Law, APC, attorneys of record for Defendants Michael J.
4 Pratt, Andre Garcia, Matthew Wolfe, BLL Media, Inc., BLL Media Holdings, LLC, EG
5 Publications, Inc., M1M Media, LLC, Bubblegum Films, Inc., Merro Media, Inc., Merro Media
6 Holdings, LLC, both collectively and individually, (hereinafter "Defendants"). I am familiar with
7 the files, pleadings and facts of this case. I have personal knowledge of the facts stated in this
8 declaration and, if called as a witness, could testify competently about them.

9 2. Since the stay was put in place on May 18, 2017, my office has been working in
10 conjunction with criminal attorney Stephen G. Cline and private investigators to determine
11 whether there have been any criminal complaints filed with any law enforcement offices against
12 Defendants, and if so, the current status of those investigations along with a request for relevant
13 reports/records. Thus, I have personally worked on this investigation to assess and verify
14 investigations against Michael J. Pratt, Matthew Wolfe and Andre Garcia.

15 3. The stay was put in place after Plaintiffs' counsel unilaterally terminated the
16 deposition of Jane Doe No. 2 because defendant Andre Garcia arrived to attend the deposition,
17 just as he had attended the deposition of Jane Doe No. 1. Plaintiffs' counsel Brian Holm alleged
18 that criminal conduct was perpetrated by Andre Garcia against Jane Doe No. 2. Mr. Holm then
19 mentioned four declarations and police reports that pertained to such criminal allegations that he
20 would include in his upcoming protective order unless I agreed to preclude Mr. Garcia from the
21 deposition. Mr. Holm also alluded to a detective with whom he is or was in contact regarding
22 these allegations.

23 4. Defendants' counsel asked Plaintiffs' counsel why information regarding these
24 allegations had not been previously produced since the information and documents were
25 requested in written discovery served over a year ago. Defendants' counsel also asked Mr. Holm
26 why he would allow us to prepare for deposition and conduct it knowing he would walk out. In
27 response, Mr. Holm reiterated that he would be walking out and filing a protective order that
28 would include public information and documents (e.g. his declarations, police reports) of

1 potential criminal activity by Mr. Garcia. To date, Defendants still have not received written
2 discovery responses indicating knowledge of an ongoing criminal investigation into any of the
3 defendants.

4 5. Based on Mr. Holm's statements, there is either a criminal investigation taking
5 place, or opposing counsel is alluding to one that may commence. Despite our best efforts,
6 Defendants are still unsure whether there are any ongoing criminal investigations of Mr. Garcia
7 related to this Action. Defendants need more time to complete their inquiry into this issue to
8 ensure that Mr. Garcia's rights are protected. My main concern is that Mr. Garcia may provide
9 discovery responses that are later deemed incriminating given that Defendants have little to no
10 information regarding the alleged criminal complaints made against him. It was my impression
11 that Mr. Holm is aware of a criminal investigation, and has chosen not to produce documents that
12 would have revealed that investigation to the defense.

13 6. I called Brendan McHugh who works at the District Attorneys Office in San
14 Diego. Mr. McHugh was identified by Jane Doe No. 4 in her supplemental written discovery
15 responses as someone who knew of the incident. I called Mr. McHugh to verify whether or not
16 an investigation is being conducted on any of the Defendants. Mr. McHugh took some time with
17 me on the phone look up the defendants' names in his records. However, when I gave Mr.
18 McHugh information on Mr. Garcia he stated he would need to look into this further and call me
19 back. I am currently waiting on his return call.

20 7. We have reason to believe there is an investigation being conducted on Andre
21 Garcia by the Department of Homeland Security ("DHS"). On July 31, 2017, Mr. Garcia was
22 informed by an employee working at the front desk of his apartment building, Mr. Marlon, that
23 that two individuals came to his residence to serve a subpoena. Mr. Garcia was not home and
24 requested additional information from Mr. Marlon on who these agents where and what they
25 wanted. I called and met with Mr. Marlon to assess what occurred first hand. Mr. Marlon told
26 me that two individuals arrived at the front desk, presented their badges, and stated they would
27 like access to the hallway to serve Mr. Garcia some papers. Mr. Marlon told me that one of the
28 names provided by the DHS agent was Justin Lehman, but that he did not know the other agent's

1 name. I asked to see the security footage and guest ledger, but Mr. Marlon stated I would need to
2 speak with the General Manager.

3 8. I personally called the General Manager requesting any information on the DHS
4 agents she may have. She informed that she would need to speak with the board. The next day
5 the General Manager called me back and informed me that two individuals did stop by to serve
6 Mr. Garcia with a subpoena. However, the General Manager also informed me that she is not
7 currently authorized to provide me their information. On that call, I requested that the General
8 Manager provide the DHS agents my information and verify with the board whether or not they
9 would release the building ledger, security footage, and any other information to avoid wasting
10 time and resources on a subpoena. The General Manager called me back to inform me that she
11 did in fact provide the DHS agents my contact information and an agent by the name of Nick
12 should be calling me. The General Manager also confirmed that she is not authorized to release
13 the documents, footage, and information requested on our last call. In response, a subpoena was
14 served on the apartment complex in order to obtain any information they may have on the DHS
15 agents and/or their investigation of Mr. Garcia.

16 9. Defendants also had one of our private investigators take the steps needed to verify
17 whether or not there was a DHS agent with name provided by Mr. Marlon. The investigator
18 called DHS and was able to call the direct line of Mr. Lehman who took the investigator's call.
19 The investigator asked if he was Mr. Lehman, which the agent confirmed. Though we are
20 waiting on the documents requested in the subpoena issued to Mr. Garcia's residence, we have
21 reasonable grounds to believe an ongoing investigation is being conducted by DHS on Mr. Garcia
22 based on the statements from the front desk employee and building manager.

23 10. I personally have called the police departments in Baton Rouge, Louisiana and
24 Houston, Texas in an effort to find out if criminal complaints were filed against Mr. Garcia as
25 Plaintiffs' counsel alleged. However, they were unable to provide me with that information. In
26 response, Defendants have issued subpoenas to six different police departments in California for
27 incident numbers, and have begun the process of issuing subpoenas to these out-of-state agencies
28 as well.

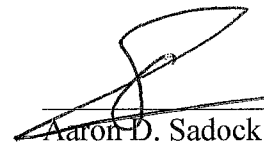
1 11. Defendants request an additional 90-day stay to allow Defendants to complete
2 their inquiry into allegations of criminal conduct against Andre Garcia and evaluate the potential
3 need to invoke his Fifth Amendment rights in this litigation. Although Plaintiffs' counsel admits
4 to having at least one police report and one declaration regarding the allegations against Mr.
5 Garcia from a potential client, they refuse to provide them based on the attorney-client privilege
6 despite Defendants' attempts to meet and confer on the matter. Further, Plaintiffs have refused to
7 produce a privilege log in response to a request for production to Jane Doe No. 2 seeking
8 documents "referencing or relating to any criminal investigations of any defendant in this matter."
9 Plaintiffs' counsel have continued to refuse to turn over any evidence to assist Defendants with
10 their inquiry into this matter.

11 12. No party will be prejudiced by an additional 90-day stay because there is much
12 outstanding discovery to complete on both sides that does not require responses from Mr. Garcia.
13 Defendants still need to complete the depositions of three plaintiffs, and begin the depositions of
14 ten more plaintiffs before moving on to the depositions of third party witnesses. Plaintiffs have
15 yet to take any depositions in this matter. Further, there are many ongoing discovery disputes that
16 need to be resolved now that we have an appointed discovery referee. It will certainly take at least
17 90 days to complete the other outstanding discovery and resolve the discovery disputes.

18 13. I notified Plaintiffs' counsel of this *ex parte* application via email at about 8:00
19 a.m. on August 28, 2017.
20

21 I declare under the penalty of perjury under the laws of the State of California that the
22 information contained in this declaration is true and correct to the best of my knowledge.
23

24 Executed this 28th day of August 2017, at San Diego, California.
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Aaron D. Sadock